

4/19/2024 11:16 AM
Marilyn Burgess - District Clerk Harris County
Envelope No. 86851840
By: Connor Harrison
Filed: 4/19/2024 11:16 AM

CAUSE NO. 202422142

**MACK BROOKS, LLC, AS AGENT AND
ATTORNEY IN FACT FOR FGMS HOLDINGS
LLC**

VS.

**GALLERIA WEST LOOP INVESTMENTS GP,
LLC, ET AL**

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

269TH JUDICIAL DISTRICT

HARRIS COUNTY'S ORIGINAL INTERVENTION

Pursuant to Rule 60 of the Texas Rules of Civil Procedure and § 33.44 of the Texas Property Tax Code, this claim for the recovery of delinquent ad valorem taxes, penalties, interest, and attorney's fees is filed by the following named Intervenor(s).

1. Intervenor(s) are the following countywide taxing entities: **HARRIS COUNTY, HARRIS COUNTY FLOOD CONTROL DISTRICT, PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY, HARRIS COUNTY HOSPITAL DISTRICT, and HARRIS COUNTY DEPARTMENT OF EDUCATION (Intervenors).**
2. Intervenor(s) have given notice of the filing of this pleading to all other applicable taxing units, if any, as required by law.
3. Intervenor(s) adopt and incorporate Plaintiff's Original Petition and all subsequent live petitions.
4. Defendant(s) are named in the Plaintiff's Original Petition and Amended Petitions, as well as all persons owing, having, or claiming any interest in the property described in this pleading.
5. Pursuant to Texas Rule of Civil Procedure 117a(4) and Texas Tax Code § 33.45, the Court has jurisdiction to hear and determine the tax claims of all taxing units who are parties, and all parties to this suit are charged with notice of this claim without further citation or notice. *Conseco Fin. Servicing Corp. v. Klein ISD*, 78 S.W.3d 666, 675 (Tex.App.—Houston [14th Dist.] 2002, no pet.) (permits intervention without further service); *Mandel v. Lewisville ISD*, 499 S.W.3d 65, 74 (Tex.App.—Fort Worth 2016, pet. denied) (new claims with more onerous relief without further notice).
6. Intervenor(s) are legally constituted and authorized to impose and collect ad valorem taxes on the property. The taxes in the amounts stated in the attached Exhibit A were legally imposed on each separately described property for each year specified and on each person who owned the property on January 1st of the year for which the taxes were imposed. The person(s) sued owned the property on January 1st of the year for which the taxes were imposed (personal liability) or owned the property (or an interest in the property) when the suit was filed (in rem liability). The taxes were imposed in Harris County, Texas, and all the properties described were, at the time the taxes were assessed, located within the boundaries of Intervenor(s).
7. As to each separately described property, there are delinquent taxes, penalties, interest, attorney's fees and costs associated with the lawsuit, justly due, owing, and unpaid against the property described in Exhibit A.

SEE ATTACHED EXHIBIT A

TAX OFFICE NUMBER: 0451400020105

TRS 9B 13 & 13A

ABST 826 W WHITE

8. The taxes are delinquent. In addition, penalties, interest, and costs authorized by law that are stated in attached Exhibit A for each separately assessed property are due. Penalties and interest are due and continue to accrue.
9. In addition, pursuant Texas Property Tax Code § 33.48, costs are due for reasonable expenses in determining the name, identity, and location of necessary parties and in procuring necessary legal descriptions of the property on which the delinquent taxes are due and for all usual court costs. Intervenor(s) are entitled to recover attorney's fees of 15 percent of the total amount of taxes, penalties, and interest due. In addition, Intervenor(s) claim the expenses of foreclosure sale as costs. Intervenor(s) are entitled to recover each penalty that is incurred and all interest that accrues on delinquent taxes imposed on the property from the date of the judgment to the date of the sale under Texas Property Tax Code § 34.01 or under Texas Local Government Code § 253.010, as applicable.
10. Claims for all taxes that become delinquent on the property(ies) at any time subsequent to the filing of this action up to the day of Judgment are incorporated in this suit and shall be recovered without further Citation or service of process, which will also include claims for penalties, interest, attorney's fees, and costs allowed by law.
11. Intervenor(s) assert a lien on each separately described property to secure the payment of all taxes, penalties, interest, attorney's fees, and costs due. All things required by law to be done have been done properly by the appropriate officials, and the undersigned attorney is legally authorized to prosecute the suit on behalf of Intervenor(s).
12. Intervenor(s) are entitled to personal judgment against Defendant(s) owning the property as of January 1st of each year these taxes were assessed for the total amount of all taxes, penalties, interest, costs, expenses, attorney's fees, and costs of court, as allowed by law. Intervenor(s) do not seek personal judgment against Defendant Lienholder(s), if any. Intervenor(s) are entitled to foreclosure of its tax liens against Defendants and Defendant Lienholder(s), if any. Defendant Lienholders who are taxing units must include their tax claims in this suit for recovery of their delinquent ad valorem taxes due on the property to prevent the extinguishment of their liens, pursuant to Texas Property Tax Code § 33.44.

Therefore, Intervenor(s) request (a) a personal judgment for all taxes, penalties, interest, attorney's fees, and costs that are due or will become due on the property against the Defendant(s) who owned the property on January 1 of the year for which the taxes were imposed, to the extent allowed by law, and (b) judgment against Defendant(s) and Defendant Lienholder(s) for foreclosure of the lien and payment of all taxes, penalties, interest, costs, expenses, attorney's fees, cost of court, and other charges or expenses that are due or will become due and that are secured by the lien, (c) extinguishment of tax liens of taxing units who are made parties to this suit but who fail to file in this case their claims for delinquent taxes, (d) for an order that the property be sold to satisfy the judgment, and (e) for all other relief to which Intervenor(s) may be entitled.

Respectfully submitted,

Harris County Attorney
Christian D. Menefee (99999902)

STEVEN N. DIEU, Assistant County Attorney

State Bar #: 00787366

CLYDE LEUCHTAG, Assistant County Attorney

State Bar #: 12243250

J.R. HARRIS, Assistant County Attorney

State Bar #: 24049808

HARRISON LONG, Assistant County Attorney

State Bar #: 24132355

MARY VU, Assistant County Attorney

State Bar #: 24066250

PO BOX 2928

HOUSTON, TX, 77252-2928

Email: TaxEservice.cao@harriscountytexas.gov

Phone: 346-286-8787

Attorneys for Intervenor(s)

Certificate of Service

I certify that a copy of this document was served on all other parties in compliance with TRCP 21a on the 19th day of April, 2024.

Galleria West Loop Investments GP, LLC, **Defendant**
c/o Legal Registered Agent Services, Inc., Registered Agent
5900 Balcones Drive, Suite 100
Austin, TX 78731
Served via U.S. Regular Mail

CC2 TX, LLC, **Defendant** (In Rem Only)
c/o Corporation Service Company dba CSC-Lawyers Incorporating Service Company, Registered Agent
211 E. 7th Street, Suite 620
Austin, TX 78701
Served via U.S. Regular Mail

Caz Creek TX II, LLC, **Defendant** (In Rem Only)
c/o Corporation Service Company dba CSC-Lawyers Incorporating Service Company, Registered Agent
211 E. 7th Street, Suite 620
Austin, TX 78701
Served via U.S. Regular Mail

Bellamy & Schultz, PLLC
Attorney for Mack Brooks, LLC, as Agent and Attorney in Fact for FGMS Holdings LLC
7200 N. MoPac Expy., Suite 310
Austin, TX 78731
Litigation@SRBSLaw.com
Served via Email

Linebarger Goggan Blair & Sampson, LLP
Attorney for Houston Community College,
City of Houston,
and Houston Independent School District
P.O. Box 3064
Houston, TX 77253
angelica.hernandez@lgbs.com
Served via Email



Steven N. Dien
Assistant County Attorney

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Alett Salinas on behalf of Steven Dieu

Bar No. 787366

alett.salinas@harriscountytexas.gov

Envelope ID: 86851840

Filing Code Description: Counter Claim/Cross

Action/Interpleader/Intervention/Third Party

Filing Description: Harris County's Original Intervention

Status as of 4/19/2024 11:59 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Steven Dieu		taxeservice.cao@harriscountytexas.gov	4/19/2024 11:16:59 AM	SENT
Steven Dieu	787366	steven.dieu@harriscountytexas.gov	4/19/2024 11:16:59 AM	SENT
Angelica Hernandez	797872	angelica.hernandez@lgbs.com	4/19/2024 11:16:59 AM	SENT
Bellamy & Schultz, PLLC		litigation@SRBSLaw.com	4/19/2024 11:16:59 AM	SENT

CERTIFIED DELINQUENT TAX STATEMENT DETAIL



ANN HARRIS BENNETT
HARRIS COUNTY TAX ASSESSOR-COLLECTOR
1001 PRESTON, SUITE 100
HOUSTON, TEXAS 77002

**HARRIS COUNTY
EXHIBIT A**

Certified Owner:

GALLERIA WEST LOOP INVESTMENTS LLC
1001 W LOOP S STE 700
HOUSTON, TX 77027-9033

Legal Description:

TRS 9B 13 & 13A
ABST 826 W WHITE

Account No: 045-140-002-0105

As of Date: 04/18/2024 APPR. DIST#: 0451400020105

Legal Acres: 3.1708

Parcel Address: 50 BRIAR HOLLOW LN

Statement Date: 04/18/2024 Printed By: CAASALINAS

2023 Value: \$19,531,491

Year	Appraised Value	Tax Units	Base Tax Due	Penalties & Interest	Collection Fees	Total
2023	\$19,531,491	40	\$68,373.89	\$7,521.13	\$11,384.25	\$87,279.27
	\$19,531,491	41	\$6,064.53	\$667.10	\$1,009.74	\$7,741.37
	\$19,531,491	42	\$1,121.11	\$123.32	\$186.66	\$1,431.09
	\$19,531,491	43	\$28,014.02	\$3,081.54	\$4,664.33	\$35,759.89
	\$19,531,491	44	\$937.51	\$103.13	\$156.10	\$1,196.74
Subtotals for 2023:			\$104,511.06	\$11,496.22	\$17,401.08	\$133,408.36
TOTAL AMOUNT DUE:			\$104,511.06	\$11,496.22	\$17,401.08	\$133,408.36

Tax Unit Codes:

40 Harris County 41 Harris County Flood Control Dist 42 Port of Houston Authority 43 Harris County Hospital District
44 Harris County Dept. of Education

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

Partial Statement: Other Years and Tax Units may be due

Totals By Tax Unit

Tax Units	Base Tax Due	Penalties & Interest	Collection Fees	Total
40	\$68,373.89	\$7,521.13	\$11,384.25	\$87,279.27
41	\$6,064.53	\$667.10	\$1,009.74	\$7,741.37
42	\$1,121.11	\$123.32	\$186.66	\$1,431.09
43	\$28,014.02	\$3,081.54	\$4,664.33	\$35,759.89
44	\$937.51	\$103.13	\$156.10	\$1,196.74
CW Total 40 - 44	\$104,511.06	\$11,496.22	\$17,401.08	\$133,408.36
TOTAL AMOUNT DUE:	\$104,511.06	\$11,496.22	\$17,401.08	\$133,408.36

CERTIFIED DELINQUENT TAX STATEMENT DETAIL



ANN HARRIS BENNETT
HARRIS COUNTY TAX ASSESSOR-COLLECTOR
1001 PRESTON, SUITE 100
HOUSTON, TEXAS 77002

Certified Owner:

GALLERIA WEST LOOP INVESTMENTS LLC
1001 W LOOP S STE 700
HOUSTON, TX 77027-9033

Legal Description:

TRS 9B 13 & 13A
ABST 826 W WHITE

Account No: 045-140-002-0105

As of Date: 04/18/2024 APPR. DIST#: 0451400020105

Legal Acres: 3.1708

Parcel Address: 50 BRIAR HOLLOW LN

Statement Date: 04/18/2024

Printed By: CAASALINAS

2023 Value: \$19,531,491

STATE OF TEXAS
COUNTY OF HARRIS

I, ANN HARRIS BENNETT, Tax Assessor-Collector in and for Harris County, Texas, do hereby certify this to be a true and correct copy of the records of the Harris County Tax Office, for the tax year(s) indicated.

Witness my hand this _____ day of _____ 20____



ANN HARRIS BENNETT
Tax Assessor-Collector
Harris County Texas

By _____
Deputy